

FILED
JOHN P. HEHMAN
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Western DIVISION

2014 JAN -2 PM 3:09

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

Douglas C. Barton

(Enter Above the Name of the Plaintiff in this Action)

vs.

Steven L. Hurley

(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

Cynthia Martin

Kimberly Metzler-Stump

Sheri Hall

3 : 14 cv 001

WALTER HERBERT RICE

SHARON L. OVINGTON

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Douglas C. Barton

Name - Full Name Please - PRINT

437 Warwick Place

Street Address

Fairborn, OH 45324

City, State and Zip Code

513-508-7515

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. **Steven L. Hurley**

Name - Full Name Please

595 Ledbetter Road Xenia, Ohio 45385

Address: Street, City, State and Zip Code

2. **Cynthia Martin**

595 Ledbetter Road Xenia, Ohio 45385

3. **Kimberly Metzler-Stump**

595 Ledbetter Road Xenia, Ohio 45385

4. **Sheri Hall**

595 Ledbetter Road Xenia, Ohio 45385

5. _____

6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

☐ Title 28 U.S.C. § 1343(3)

[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]

☐ Title 28 U.S.C. § 1331

[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]

☐ Title 28 U.S.C. § 1332(a)(1)

[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]

☒ Title 42 United States Code, Section 1983

[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

On 11/27/2013 Cynthia Martin held an ex-parte hearing and granted a protection order against me (2013-DV-0193). The full hearing was scheduled for 12/4/2013 at 9:30 am. I presented myself to the court at 9 am on 12/4/2013 Sheri Hall informed me the Plaintiffs attorney had requested a continuance. I stated I did not agree to a continuance and the court had to provide me a hearing within in 7 days. Sheri Hall then made a point that the protection order was still valid. There was no agreement by myself to a continuance. There was no good cause for a continuance, I had presented myself to the court at the appointed time. As of 1/2/2014 there is no date for a hearing scheduled. The Greene County website CourtView shows the case has been continued. Kimberly Metzler-Stump was the magistrate who heard my complaint in case 2013-DV-0196 on 11/2/2013. Keesha A. Barton was arrested for Domestic Violence on 6/26/2013 by Fairborn Police Department for acts committed against me. Fairborn Municipal Court CRB 1301210, she plead to a lesser charge of Disorderly Conduct and was convicted of that offense. As part of the agreement (11/26/2013) with the Fairborn Victims Advocate and Fairborn Prosecutor, Keesha A. Barton was to take no further action and willing agree to a protection order issued through Greene County Domestic Relations Court (DRC). Keesha A. Barton did not follow this agreement, and proceeded to file against me (2013-DV-0193) on 11/27/13. When I arrived at Greene Co. DRC on 11/27/2013 I was informed that I would have to return on 11/2/2013, and they would not hear my complaint. They had already processed the paperwork for 2013-DV-0193 unbeknownst to me at that time. During my hearing on 12/2/2013 (2013-DV-0196) I voiced complaints of bias and prejudice and for them to honor the agreement from Fairborn Municipal Court. The Greene County DRC has demonstrated bias and prejudice against me as a male. The Green County DRC is continuing to violate my civil rights by not providing due process with no foreseeable means of a remedy. Steven L. Hurley is the Judge of Greene County DRC, and failed to properly supervise the Magistrates and Staff under his supervision.

Demand for Jury Trial

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

Case Number

Caption

_____	_____ vs. _____
_____	_____ vs. _____
_____	_____ vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

Wherefore plaintiff prays this Court issue equitable relief as follows:

Issue emergency injunctive relief commanding defendant(s) to rescind protection order associated with Case 2013-DV-0193.

Issue permanent injunctive relief commanding defendant(s) to dismiss with prejudice 2013-DV-0193.

Issue permanent injunctive relief preventing defendant(s) from issuing any future orders without a full hearing.

Issue monetary damages of \$200,000 per day from 11/27/2013.


Issue declaratory relief as this Court deems appropriate and just.

Issue other relief as this Court deems appropriate and just.

Award plaintiff his costs of litigation.

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 2 day of January, 20 14.


Signature of Plaintiff